REMARKS

Claims 11 and 29-31 are all the claims pending in the present application, claims 30 and 31 having been added. Claims 11 and 29 remain rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 11 and 29 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Montero (US Patent No. 6,133,912) in view of "SQL Reference ", IBM Corp., Copyright IBM Corp. 1993, 1997 (hereinafter referred to as "IBM").

§112, second paragraph, Rejections - Claims 11 and 29

In the Office Action, the Examiner alleges that it is unclear what the claimed initial value of the counted number is. In response, Applicants submit that one of ordinary skill in the art would understand that the initial value of the counted number can be the value that the number starts, or initiates, at. Thus, for example, a number can start at "0" and increase numerically from the initial number "0".

§103(a) Rejections (Montero / IBM) - Claims 11 and 29

With respect to independent claim 11, Applicants maintain the previously submitted arguments and also maintain that the applied references, either alone or in combination, do not disclose or suggest at least, "wherein when said information is updated, said counted number of client devices which have sent said request for transmission of information is reset to an initial value," as recited in claim 11.

The Examiner acknowledges that the above-quoted feature is not satisfied by the applied references. *See paragraph bridging pages 6-7 of Office Action.* However, the Examiner alleges that this limitation refers to a limitation that is an alternative. Accordingly, Applicants amend claim 11, as indicated herein, to remove the alleged alternative claim language, and Applicants believe that claim 11 is patentably distinguishable over the applied references. Also, Applicants

submit that claim 29 is patentable at least because this claim recites limitations similar to those

set forth above which the Examiner acknowledges are not satisfied by the applied references.

Also, in the present Office Action, the Examiner alleges:

> Applicant is attempting to claim the mere act of counting and setting a number. Examiner would like to point out that the mere act of counting without a positive recitation that the "counting means" has any sort of functional relationship with any other element in the claimed invention does not distinguish patentability. In other words, it would have been obvious to include the limitation of counting a number of client devices, especially if the counting functionality is not used in any way. It would have been obvious to set a number, especially if the counting functionality is not used in any way. Therefore the mere act of counting or setting a number has no patentable weight, since it is not used for any specific purpose. The claim does not explain why this count is obtained or how it is used. Therefore, the limitation is not paramount to the issue of patentability. Examiner suggests language such as, "updating the information when the counted number reaches a certain threshold (assuming such language follows the specification).

In response, Applicants submit that a particular purpose for the counting means or an

explanation of why the counting is performed is not required to be recited in the claim.

Applicants submit that an exemplary use of the count that is being performed in claims 11 and 29

can be that by summing up, for example, the number of requests for transmission of contents, an

advertisement provider can easily determine in which program an advertisement should be

provided. See, e.g., page 27, lines 16-20 of specification. However, a specific purpose does not

need to be recited in the claim for a limitation to be given patentable weight. In fact, since

claims 11 and 29 are directed to apparatuses, or more specifically server devices, the Examiner

needs to only look to the claimed structure and not the intended use of the structure. For

example, in claim 1, the information providing means further includes counting means for

counting a number of client devices. Clearly, there is structure recited in this limitation. There is

no requirement that the claims recite a particular purpose for the claimed counting means which

counts a number of client devices. At least based on the foregoing, Applicants submit that claims 11 and 29 are patentably distinguishable over the applied references, either alone or in combination.

Therefore, at least based on the foregoing, Applicants submit that claims 11 and 29 are not rendered obvious over the applied references.

Finally, Applicants also add new claims 30 and 31 to provide a varying scope of coverage. We would argue that these new claims are patentable at least by virtue of their respective dependencies. Support for these claims can be found at least at page 28 lines 9-14 of specification.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
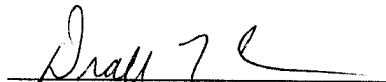
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23373
CUSTOMER NUMBER

Date: April 8, 2008